

Amendment and Response  
Applicants: John C. Oslund et al.  
Serial No.: 10/823,139

Attorney Docket: ev31010USD1

### **REMARKS**

The title of the application has been amended to remove the word "improved" from the title. A similar amendment was made during prosecution of the parent patent.

Claims 1 to 18, 30, 31, 56 to 59, and 61 to 70 were pending. Claims 2 and 30 have been canceled without prejudice above, and claims 1, 3 to 7, 31, 59, and 61 to 70 have been amended. Support for the amendments to claims 1, 59, and 61 can be found in the specification at page 6, line 29, to page 7, line 10, and in FIG. 1. Claims 5, 31, and 62 to 70 have been amended to clarify the subject matter of these claims. Support for the amendments to claims 5 and 31 can be found in FIG. 1. After entry of this amendment, claims 1, 3 to 18, 31, 56 to 59, and 61 to 70 will be pending and under examination.

The Examiner rejected claims 1 to 13, 16 to 18, 30, 31, 56 to 59, and 61 to 70 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,814,064 to Daniel et al. ("Daniel '064").

Applicants respectfully traverse this rejection of the claims. Although Applicants disagree with the Examiner, the claims have been amended to expedite prosecution of this application. Independent claims 1, 59, and 61 now recite that a movable ferrule is attached to the filter basket at the open proximal end of the filter basket. Daniel does not teach or suggest this feature of the claims.

In addition, Daniel does not teach or suggest a tube as recited in claims 5 and 31 and described in the specification at page 6, line 29, to page 7, line 10, and shown in FIG. 1. Claims 5 and 31 have been amended to clarify the subject matter of the claims. The Examiner states on page 2 of the January 20, 2006 Office Action that FIG. 16A of Daniel "064 discloses a filter basket including "a tube through which the guidewire extends (the filter basket is configured as a tube in which the guidewire extends therethrough) . . . ." The mesh 202 of Daniel '064

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cannot be both the filter basket and the claimed tube. Claims 5 and 31 clearly require that the filter basket and the tube are not the same structure.

Independent claims 62, 65, and 68 recite that the spacing member is positioned proximally of the proximal end of the filter basket. There is no structure in Daniel '064 that is similar to this claimed feature. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The Examiner rejected claims 14 and 15 under 35 U.S.C. § 103(a) as unpatentable over the combination of Daniel '064 and U.S. Patent No. 6,001,118 to Daniel et al. ("Daniel '118").

Applicants respectfully traverse this rejection of the claims. Claims 14 and 15 depend from claim 1 which has been discussed above. The above analysis regarding claim 1 also applies to dependent claims 14 and 15. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The July 28, 2005 Office Action included some PTO-1449 forms that were signed by the Examiner. The Office Action did not include a signed copy of the PTO-1449 form included with the March 29, 2005 Supplemental Information Disclosure Statement. Applicants respectfully request that the Examiner sign and return this PTO-1449 form to Applicants' representatives.

In view of the above amendments and remarks, Applicants respectfully request that the Examiner withdraw the rejections of the claims.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for

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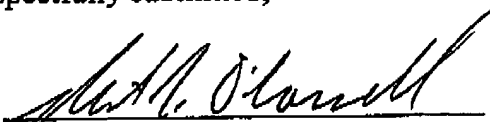
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an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

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By



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